IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.928 OF 2004

M/s.Kala Mandir Sarees & others. .... Appellants.

Versus.

Sameer Kulkarni and others. .... Respondents.

Shri Rajiv Matkar for the Appellants.

Shri S.I,Memon for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 17th January, 2005.

P.C.:

1. Shri Matkar appearing for the Appellants states that the petition filed by him under section 34 of the Arbitration and Conciliation Act 1996 has been admitted by this Court. He states that he does not want to press this Appeal. The learned Counsel for the Respondents submitted that the Appellants have taken undue advantage of the order dated 1st November 2004. He, therefore, submitted that the Appellants should be saddled with compensatory costs.

2. The order dated 1st November 2004 was in a sense self operative order. The restraint was put on sale only on the Appellants depositing stipulated amount within the stipulated time.

3. As the Appeal is not pressed it is not necessary to award compensatory costs to the Respondents.

4. The Appeal is dismissed as not pressed. The Appellants to pay costs of this Appeal to the Respondents.

Judge.